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ABSTRACT

This curriculum unit on civil rights questions in the United States was developed as a history-social science project at San Jose State University. The unit is intended for high school students and needs one or two class periods to complete. It provides the teacher with a rationale, a framework, history-social science standards, student outcomes, historical context, activities, and assessment. (Contains a 7-item bibliography, cites 3 books, gives several suggestions for oral presentations, lists relevant legislation introduced in the 106th Congress, and provides several handouts to facilitate student research.) (BT)

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Civil Rights Questions: Where Race, Economics, and Criminal Justice Intersect

SO 032 888

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This unit was developed as a History - Social Science Project at San Jose State University

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CIVIL RIGHTS QUESTIONS:
WHERE RACE, ECONOMICS, and CRIMINAL JUSTICE INTERSECT
United States History

Rationale: The long struggle to end segregation, discrimination, and racism is far from over. The "tough on crime" movement and Reagan administration's "War on Drugs" were begun to provide a federal focus on crime control. Efforts were made to control drugs through prosecution and imprisonment. However, there has been a dramatic and disproportionate rise in the number of blacks and Latinos in prison. This puts in question the inequities of the criminal justice system. Questions are also raised whether there are civil rights violations, if there is equal protection under the law for poor people and people of color. 'Where race and class effect outcomes we cannot maintain that the criminal law is just.' (*No Equal Justice*, David Cole)

Framework and History-Social Science Standards: Students will have reviewed the history of the civil rights movement and 'the enormous barriers black Americans had to overcome in their struggle for rights as citizens.....the movement for equal education...and the momentous events in this story that illuminate the process of change.' With this background this unit will extend student awareness to current issues African Americans are having to overcome and in which they may be personally involved.

Standards: Analysis Skills, Chronological 1. & 4; Historical Interpretation 4; 11.10.2,5,6; 12.4.3
English & Language Arts grades 11 & 12;1.0 Reading: Vocabulary; 2.0 Comprehension 2.8

Student Outcomes:

- to discover the present importance of knowing their civil rights
- to realize the practical application of Constitutional Amendments and Supreme Court decisions
- to connect past to present on a personal level
- to gain insight into current political issues of race and class
- to become active citizens in the legislative process.

Historical Context: When searching the long history of the still current issue of racism as a theme, the concept of justice becomes almost overwhelming. From the inception of slavery and the two and one half centuries on this land, the resistance to abolition of slavery, the tragic civil war, the continuous popular struggle for 137 years since the Proclamation Emancipation up to the millennium, racial injustice has been a powerful force shaping U.S. society. The events in just the life of this writer's lifetime - the lynchings, the Jim Crow laws, poll taxes, segregation, discrimination and poverty up to the present conditions- that of throwing away increasing numbers of people - this must end. Nearly 30% of all black male children in the U. S (almost 1 in 3) will spend part of their lives in prison.

Number of Class Periods: 1 or 2

Activities:

- " Pair Share" Students will recall a personal experience of injustice to share in pairs. Give students 2 minutes each to share their experience; partners listen attentively without questions; a few experiences may be shared with the whole class.
- Small groups brainstorm **"Prior Knowledge"** on the questions regarding the topics to be assigned. All students take notes on the prior knowledge page.
- Students are each assigned to one of the seven topics of **"New Knowledge"** to form "expert groups." Read, then discuss the topic to make sure that all members of the group understand and enter notes under New Knowledge page.
  Each group plans and presents some form of presentation of their topic for the class. The numbered sequence of topics should be followed. Give the list of presentation ideas to each

group. During the class presentations all students take notes under New Knowledge.

To facilitate assignment by topic, duplicate the quantity of each topic sheet needed for the seven groups. Collate them into sets of 1 through 7 to distribute at end of first brainstorming activity. Re group by single topic as "expert groups."

- Distribute "bust cards to class. These are available from ACLU of Northern California (415)621-2488.

Assessment: is made from each student's notes and extra points for class discussion of the bills introduced during the l06th Congress. Points can be given for student inquiry of current congressional bills by writing or phoning their representative; and/or reporting an interview on the issues with family or friends.

Bibliography:

1. "Washington Newsletter," Friends Committee on National Legislation, February 2000 No. 640. 245 Second Street, NE, Washington DC 20002-5795 (With much appreciation to FCNL for permission to use and adapt the contents of their February 2000 issue of "Washington Newsletter.")

2. "Driving While Black, Racial Profiling on Our Nation's Highways," An American Civil Liberties Special Report, June 1999. http://www//aclu.org/profiling/report/index.html

3. "Crack Cocaine Sentencing Policing: Unjustified and Unreasonable." The Sentencing Project. http://www.sentencingproject.org/brief/1003.htm

4. "Testimony of Marc Mauer" before Subcommittee House Judiciary Committee, October 21, 1999. http://www.sentencingproject.org/news/a-21testimony.html

5. "Poor Prescription: The Cost of Imprisoning Drug Offenders in the United States," Justice Policy Institute. http://www.cjcj.org/drug/excomm.html

6. "What to do if you're stopped by the Police." ACLU Freedom Network: Your Rights and the Police. http://www.aclu.org/issues/criminal/bustcardtest.html

7. Mike Thompson: Racial Profiling cartoon, freep/voices Detroit Free Press. http://www.freepress.com/voices/cartoons/071999_at_450.htm

BOOKS:

Driving While Black, Kenneth Meeks; Broadway Books, 2000
No Equal Justice, David Cole; The New Press, 1999
Race To Incarcerate, Marc Mauer; The New Press, 1999

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Suggestions for Presentations:

- panel discussion of experts with a moderator
- town meeting/open forum to express opinions
- person-on-the-street reporter/interview
- evening radio newscast with scripts
- a hearing before a congressional committee
- scene with dialog (needs a beginning, middle and end)
- a "people chart" or graph
- tableaus - three still photos with lines and/or narrator
- timeline
- readers' theatre with script

Legislation Introduced in the 106th Congress:

Rep. Conyers (MI) and Sen. Lautenberg (NJ)
"Traffic Stops Statistics Study Act" (HR1443/S821)

Rep. Rangel (NY) "The Crack Cocaine Equitable Sentencing Act" (HR939)

Rep. Conyers (MI) "Civic Participation and Rehabilitation Act" (HR906)

Sen. Feingold (WI) "Federal Death Penalty Abolition Act" (S1917)

Sen, Leahy (VT) "Innocence Protection Act of 2000" (S2073/HR4167)

Rep. Conyers (MI) "Commission to Study Reparation Proposals for African-Americans Act" (HR40)

Make Your Voice Heard

Senator _____
U.S. Senate
Washington, D.C. 20510

Representative _____
U.S. House of Representatives
Washington, D.C. 20515

Capitol switchboard: 202-224-3121
Congressional websites and e-mail addresses:
http://www.senate.gov
http://www.house.gov

Current status of bills: 202/225-1772
http://thomas.loc.gov

President _____
The White House
Washington, D.C. 20500
*White House comment desk: 202-456-1111
Fax: 202-456-2461
E-mail: president@whitehouse.gov
Website: http://www.whitehouse.gov
*Subject to change.

PRIOR KNOWLEDGE: **Name**_____

You and your group are to take notes on this page on what you already know about the following questions. On the back page you will take notes under **NEW KNOWLEDGE** when, as a member of an "Expert Group" you will complete the assignment.

QUESTIONS:

1. What are the constitutionally-guaranteed civil rights of all people?
2. Despite the accomplishment of the black civil rights movement of the 60s, what racial issues remain today?
3. What is Racial Profiling?
4. What do you know about "Driving While Black?"
5. Why is there a disproportionate number of African-Americans and Latinos in prison?
6. Even after prisoners have "served their time," what punishment goes beyond their release from prison?
7. What can be done to remedy the long injustice of slavery?

NEW KNOWLEDGE: Name_____

Read and discuss your topic to make sure that all members of your group understand. Enter notes on your topic and on each of the other topic presentations as knowledge which is new to you. Compare with your prior knowledge.

THE ROLE OF THE FEDERAL GOVERNMENT IN CRIMINAL JUSTICE

Name_____
Group # 1

The Federal Government is responsible for ensuring that constitutionally-guaranteed rights of all people are not restricted by the criminal justice system. The following are brief notes on civil rights in the constitution. (See your textbook for details.)

The Fourth Amendment protects against 'unreasonable searches and seizures.'

The Fifth Amendment protects against self-incrimination and provides for 'due process of law.'

The Sixth Amendment guarantees the accused a 'speedy and public trial' and 'to have assistance of counsel for his defense.' *

The Eighth Amendment protects against 'cruel and unusual punishments.'

The Fourteenth Amendment assures 'equal protection of the laws' for all citizens in the United States.

Most crime legislation and prosecution is handled at the state level. The Federal Government can get involved through funding projects such as prison contruction. Some crimes such as drug offenses may violate both state and federal laws. The Legislature has been involved by passing laws dictating mandatory minimum sentences, extending the death penalty, and limiting death penalty appeals.

The Supreme Court can decide whether a particular practice violates one of the civil rights stated in the constitution. (Note the relevance of *Plessy v. Ferguson* and *Brown v. Board of Education* decisions.) When local or state governments are accused of practices that selectively violate the civil rights of people of color, the U.S. Department of Justice is responsible for enforcing federal anti-discrimination legislation.

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* Economic Problems Concerning assistance of counsel in the 5th, 6th, and 14th Amendments

'The right to an attorney in federal criminal trials did not initially include the right of a poor defendant to have the government pay for an attorney.' p. 66 No Equal Justice, David Cole. In 1932 the Supreme Court recognized this right in *Powell v. Alabama* as a necessary requisite of 'due process of law.' However, this did not apply to state criminal trials. In 1963 in *Gideon v. Wainwright* the 14th Amendment's 'equal protection clause' required states to provide for poor defendants.

Supreme Court decisions in the years since are complex and economically unfair during the many stages of criminal justice proceedings. Even when the Courts have hired counsel for the poor, they have hired ineffective counsel who are often unqualified, unprepared, underpaid, and sometimes drunk or asleep during trials. Compare this to *California v. O.J.Simpson.* 'Had Simpson been poor and unknown, as most black (and white) criminal defendants are, everything would have been different.' p.3. No Equal Justice, David Cole.

"RACIAL PROFILING" in PURSUIT OF CRIMINALS

Name_____
Group # 2

Racial Profiling is a police practice that begins with an assumption that people of a particular race are more responsible for committing certain types of crimes. The crime which most strongly drives racial profiling is drug trafficking.

Police are concerned about stopping the flow of drugs through their districts. In some states and communities police act on the basis of a stereotyped image of a drug trafficker as being African-American or Latino. This image is used by police to justify preferance in stopping cars driven by African-Americans and Latinos.

Defenders of racial profiling argue that this practice is fundamentally the same as any other search for a suspect in a crime. However, racial profiling is not the same as looking for a suspect who matches the description provided by eye-witnesses to a crime.

With racial profiling no specific crime has been committed. No witness has described an alleged criminal. Individuals are stopped solely because of their race and a mistaken stereotype. The alleged traffic violation is only a pretext for searching the vehicle for drugs.

Recent Supreme Court decisions allow the police to use traffic stops as a pretext to look for evidence. Nationwide data show the police use this power primarily against African-Americans and Latinos.

Is this a violation of the Fourth Amendment?

> Judge Renee Cardwell-Hughes, of the Philadelphia Court of Common Pleas, strongly disagrees with the dicisions handed down by the Supreme Court in several cases involving racial profiling. She says the Fourth Amendment's protection is shrinking. Law-enforcement officers use a profile known as **CARD**, an acronym for class, age, race, and dress. Any lower-class young black person wearing baggy jeans, a T shirt, and a backward-facing baseball cap can expect to be stopped by a police officer or followed in an upscale department store or neighborhood.....As more and more young white people adapt the dress and style of today's inner city kids, they too will become a small minority of white people who get profiled.
> **Driving While Black: Highways, Shopping Malls, Taxicabs, and Sidewalks;** Kenneth Meeks, p. 9.

According to Meeks we all have our own form of profiling in assuming certain ideas about other people by their appearance, race or dress. Law enforcement officers are not the only ones who profile.

How about you? Does it happen in your class? In your school?

DRIVING WHILE BLACK
RACIAL PROFILING ON OUR NATION'S HIGHWAYS

Name_____
Group # 3

The police routinely stop drivers on our Nation's highways apparently looking for criminals, based on the color of their skin. This practice is so common that the minority community has given it the name, "**driving while black or brown**" - a play on the real offense of "driving while intoxicated."

Statistics on racial profiling were gathered in New Jersey as part of the defense of individuals arrested for other crimes during the course of "routine" traffic stops. John Lamberth, a psychologist at Temple University, surveyed the southern end of the New Jersey Turnpike. He compiled data on the racial distribution of all drivers and of those who committed traffic violations. He combined the data with New Jersey State Police records.

13.5% of all cars had some black occupants
15% of speeding drivers were black
46% of drivers pulled over by police were black
73% of arrested drivers were black

Compared to all other drivers on this stretch of the NJ Turnpike, black drivers were nearly **5 times** as likely to be pulled over and more than **15 times** as likely to be arrested!

This, combined with testimony from troopers and other evidence, prompted the U.S. Department of Justice (DoJ) to investigate. After denying for three years that state police engaged in racial profiling, Gov. Whitman of New Jersey finally admitted the truth of the charge in April 1999. NJ officials have agreed to end the practice and have reached an agreement with the DoJ. Among other items, an outside monitor will oversee the state police practices.

Racial Profiling must be ended in all states and jurisdictions. The first step is to document the national extent of the problem by collecting data on police stops. Representative John Conyers (MI) has introduced a bill for two years called "**Traffic Stops Statistics Study Act**" which would require the Attorney General to study the extent of racial profiling across the United States. (Inquire from Rep. Conyers the current state of the bill in Congress and from the governor of California his position.)

"Even if the Traffic Stops Statistics Study Act does not become federal law, it has already inspired action at the state and local level.....in North Carolina, a bill requiring data collection on all traffic stops passed both houses and was signed by the governor on April 21, 1999." American Civil Liberties Union Report: "Driving While Black; Racial Profiling on our Nation's Highways." p.27. (Included in this report are dozens of recent accounts of race-based traffic stops taken from the print media. The 30 page report is available on the ACLU web site.)
www.aclu.org/profiling/report/index.html

If you are traffic stopped in California, follow the advice on the "bust card" and you can call the ACLU hotline - (877)DWB-STOP

DRUG TRAFFICKING: PREJUDICED ASSUMPTIONS?

Name_____
Group # 4

The view that "mostly minorities" traffic in marijuana and cocaine is a widely-held view. The view comes from racially-biased profiles and is reinforced by police practices which target black and Latin communities for drug busts. Then the police use the arrests made in these raids as "evidence" that drug use and trafficking is a predominately "minority" problem!

What are the facts about drug use in the United States?

Of an estimated 13.3 millión illegal drug users, nearly ten million (72%) are white. Only two million drug users are black. Among blacks, illicit drug use is slightly higher (8.2% of the population aged 12 and older uses drugs) than it is among whites (6.1%) and Hispanics (6.1%).

Marijuana/hashish is the most common illegal drug used and accounts for more than 80% of illegal drug use. The racial/ethnic analysis of marijuana/hashish users is similar to that for all illegal drug use.

Less the 2 million persons in the U.S, use cocaine. Rates of cocaine use among blacks and Hispanics are higher than for whites. However, the actual number of white cocaine users is 3.5 times as great as the number of black cocaine users. The typical white cocaine user is a middle-class suburbanite.

Racial inequities in arrest and prosecution of drug offenders

Racial profiling and racial inequities in the prosecution and sentencing of persons for drug offenses has had a dramatic and negative impact on the black communities in the U.S.

	% who are black
Drug users	13%
Those arrested for drug charges	37%
Those convicted of drug offenses	55%
Those sentenced for drug offenses	74%

Today, blacks represent 13% of the country's drug users, but a disproportion in the arrest process and the disproportion increases at conviction and at sentencing. Consequently, there has been a dramatic rise in the numbers of blacks and Hispanics in prison.

QUESTION: Do all people in the United States enjoy "equal protection of the law?"

The most unjustified and unreasonable sentencing policy is that of possession and distribution of cocaine. The mandatory sentencing laws passed by Congress provided for harsher punishment for crack offenses than for powder cocaine crimes. The sale of 500 grams of powder result in a mandatory five year prison term, while only 5 grams of crack result in the same mandatory penalty, **a ratio of 100 to 1 with stiffer sentences for crack.** This, combined with police and criminal justice systems that have focused on arresting and prosecuting people of color, has resulted in a situation which federal crack cocaine defendants are overwhelmingly black.

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IMPRISONMENT OF DRUG OFFENDERS IN THE UNITED STATES

Name _____
Group # 5

Since the Reagan administration's "War on Drugs" and Congressional mandatory sentencing to "get tough on crime," the incarceration (imprisonment) of drug offenders has skyrocketed. The cost of incarcerating almost one half million prisoners of drug offenses now exceeds $9 billion annually.

The incarceration rate per capita in the U.S. far exceeds that of nearly all industrialized countries. In 1988, for every 100,000 adults, approximately 600 were in state and federal prisons. Only Russia has a comparable rate.

Equally Important: WHO is in prison.

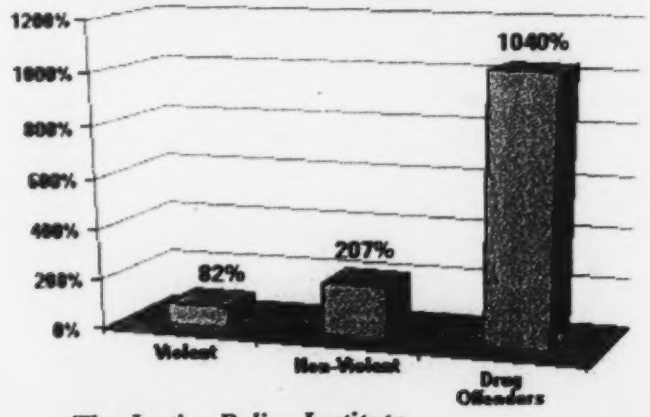
About half of state and federal prisoners (49% in 1997) are black. The rate for blacks is more than seven times greater than for all others in the U.S. Nearly 30% (almost 1 in 3) of all black male children in the U.S. will spend part of their lives in prison. The comparable figure for white male children is 4% (1 in 25)/ A disproportionately high number of prisoners are poor.

Women, many of them mothers, are being imprisoned in increasing numbers. The number of women doubled during the 1990s. In 1996, **421%** more women were in federal prison for drug violations than ten years earlier. The number of women in state prisons rose **75%** in two years from 1987 to 1991. Fifty-five percent of this increase was due to drug offenses.

More than three-quarters of all women in state prisons have children. The separation of children from parents add yet another burden to these populations. In a nine state survey over half the women inmates had never received a visit from their children.

Prisons have become a tool of an inequitable criminal justice system that too often disregards the civil rights and the fundamental humanity of people of color and the poor. Meanwhile, prisons have become a <u>commodity for sale!</u> Economic forces in states and communities command considerable lobbying strength in Washington to build more prisons. (Check out the recent passage of Proposition 36 in California which will allow treatment of certain drug offenders in stead of imprisonment. Who was against its passage.)

From 1980-1997 the number of people entering prison for violent offenses doubled, while non-violent offenses tripled and drug offenses increased 11-fold



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PENALTIES THAT GO BEYOND THE CRIMINAL JUSTICE STATUTES

Name_____
Group # 6

Congress and state legislatures sometimes pass laws which further penalize individuals. These penalties are called extra-judicial and go beyond the penalties of the criminal justice statutes. They may 1) disqualify a person from government sponsored loans or 2) deprive the individual the right to vote. (disenfranchisement)

These extra-judicial penalties may apply to those who have "served their time." Such unforgiving penalties deny that people have the capacity to change. They tell former criminals that they remain forever unworthy of a full place in society.

Extra-judicial penalties effect low income individuals and people of color. The Federal Education Act (HEA) includes a provision which delays or denies financial aid to any student with any drug conviction, including the non-violent possession or illegal drugs. Only drug convictions are singled out for this automatic denial of financial aid.

Blacks on average have less wealth than whites and are more likely to need financial aid in order to go to college. Unfair prosecution of blacks for drug offenses results in more blacks being disqualified. Society loses along with these individuals, because education is one of the most important keys breaking the cycle of poverty and crime.

Do these penalties violate civil rights?

- Fourteen states have laws which allow a felony conviction to be grounds for a lifetime denial to vote.
- All but four states have laws barring prisoners from voting while in prison,
- Many states deny the vote to those on parole or probation.

Because more blacks are involved in the criminal justice system, these laws impact heavily on blacks. One study estimated that 1.4 million African-American men (13% of the black adult male population) had been disenfranchised as a result of a current or prior felony sentence. The next generation may see 30 - 40% of black men unable to vote for some or all of their adult lives. The U.S. is the only democracy that imposes this lifetime penalty.

The U.S. criminal justice system is primarily oriented toward punishment and retribution. On the positive side, some states and local communities have begun to use principles of "restorative justice." However, far too small a share of our nation's resources is used to:

- look at the root causes of crime,
- fund programs which would help prevent crime,
- rehabilitate those who have committed crimes, and
- rebuild human and community relationships damaged by crime.

Restoring the right to vote, if combined with well-designed rehabilitation programs, can be an integral part of helping a former prisoner become a healthy and constructive member of society.

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OPENING A NATIONAL DIALOG ABOUT SLAVERY:
"Forty Acres and a Mule"

Name_____
Group # 7

What important event occurred in 1619?

In 1619 the first group of African slaves landed at Jamestown in the Virginia colony.

Over the next 244 years, an estimated four million Africans and their descendants were enslaved in colonial America and the U.S. The institution of slavery and its aftermath of racial injustice have been among the most powerful forces to shape U.S. society. Even after the Emancipation Proclamation ended legalized slavery, racial injustice has taken a toll on individuals, families, communities, and society in innumerable ways.

One consequence can be clearly identified.

Among slavery's many evils, it denied four million people just compensation for their labor. Racial discrimination in its various forms has adversely affected educational and economic opportunities for millions of African descendants of slaves.

Should we the people of the United States recognize that slavery, segregation, racial discrimination, Jim Crow laws, poll tax and harassment have left a legacy of woefully uneven playing fields? Do we as a nation have an obligation to remedy inequities that arose from slavery?

Efforts to do so are not new.

In 1865, Union General William T. Sherman began settling freed slaves in Georgia and South Carolina on land confiscated from Confederate supporters. **"Forty Acres and a Mule"** became the slogan for a kind of reparation that might be provided to those who had endured enslavement. But the promise never materialized, former Confederates were gradually allowed to reclaim their property and African-Americans were displaced. Many freed slaves became sharecroppers, a variation of indentured servants.

Over the years efforts for some sort of reparation have been made. None has succeeded. But since WWII the issue of reparations has been revived. The German government has paid billions of dollars to people who endured Nazi persecution. Other governments are being called to account for their complicity in Nazi atrocities. The U.S. government paid Japanese-American survivors a small amount, $20,000 each for the illegal internment.

Something is being done now.

Representative John Conyers (MI) has introduced the bill HR 40 (numbered for forty acres), "Commission to Study Reparation Proposals for African-Americans Act." HR 40 simply proposes that the U.S. establish a commission to examine the institution of slavery and based on its findings to make recommendations to Congress.

How could money be distributed fairly among blacks descended from slaves and those whose parents were not slaves? Or among blacks of varying wealth? Rather than an individual monetary payment, some proponents of reparations are discussing the collective population, which might include establishing a trust fund that would finance school construction, job training, housing, and other projects in areas with high population of slave descendants. Rep. Conyers intends to introduce this bill again.

What do you think?

PEACEWORK

PEACEWORK
American Friends Service Committee
2161 Massachusetts Avenue
Cambridge, MA 02140

NAACP Hearing on Voting Rights of People of Color in Florida

Susan Guberman-Garcia, is an attorney who lives in California

Date: Sun, 12 Nov 2000. I spent several hours this morning watching the NAACP public hearing on the Florida vote on C-SPAN. It is very clear to me that there was a systematic and calculated effort to lessen the Gore vote by denying the franchise to as many African Americans as possible.

The hearing was orderly, well run, and transcribed by a court reporter and was presided over by NAACP President (and former Congressional Black Caucus chairman) Kweisi Infumi. The hearing was much like a Congressional hearing (but without the wordwaste and puffery that usually dominates Congressional hearings).

There were several panels of witnesses, two to four people per panel. Witnesses included voters who were denied the right to vote, NAACP activists who worked the get-out-the-vote effort all day, NAACP phone-standby volunteers who worked the phones fielding election-day complaints, poll workers, and news media people. The witnesses were all credible and impressive, their information detailed and often accompanied by notes with names, dates, places. I would not hesitate to call any of these people as witnesses if I were handling a lawsuit on their behalf.

Witnesses testified that they (and family members and others in their presence) were denied the right to vote because they "were not on the rolls" even though some of them had their voter registration cards as well as identification showing their names and addresses.

This violates Florida law. In many cases, the poll workers who refused them declined to make any effort to validate their status and told them to "come back later." Some poll workers were sympathetic and attempted to get approval for the voters to go ahead and vote but were denied by "headquarters."

Two poll workers testified that they had been instructed by "headquarters" that they should apply "qualification" procedures *very strictly* and if there is the slightest doubt, *deny the request to vote*. They were also told to refrain from giving out any written verification of the refused voters' requests, including affidavits. This is illegal; the law *requires* that any voter whose attempt is challenged be given an affidavit of challenge signed under oath by the poll worker.

Many of the denied voters asked for an affidavit or something in writing to prove they had attempted to vote and *all* such requests were refused. *None* were given the chance to cast a "challenge ballot" (which I gather is similar to the "provisional ballot" that is used in California when there is a dispute as to whether someone is entitled to vote or not).

Witnessses testified that they and others who were African American (but not white) voters were asked to provide *both* photo ID and a current voter registration card, and many who could not do so were denied the right to vote even though the law does not require that the voters present both ID and voter registration cards.

A newswoman who spent all day at various polling places testified that at one polling place in Healdsberg County, there were numerous police cars who were stopping African American voters and asking for ID and "what are you doing here?" She saw them stop one elderly man after he left the polls, order him to "assume the position," and question him as he tried to explain he had just voted (and was wearing a button that said "I voted"). When she tried to intervene, she was told to move on or she would be arrested, and when she did so out of fear for her safety, she was followed for several miles by a police car. This newswoman, who is white and a former policewoman, broke down in tears because she was ashamed that she left the scene.

The newswoman testified that she was leaked a list of more than a thousand absentee voters by an election official. This was a list of absentee voters who were disqualified for being "felons" (their votes were not counted but they were not informed of the rejection of their vote or the opportunity to challenge it; the Republican commissioner who leaked the list told the newswoman that the instructions were to *not* notify the rejected absentee voters of their disqualification. The newswoman knows one of the people on the list—someone she knows has never been convicted of a crime, let alone a felony.

Many witnesses testified that people who came in to vote were required to answer a litany of questions even though they were on the rolls and had ID, the questions had to do with whether they had been convicted of a felony since the last time they voted, was their address correct, etc. Only African Americans appeared to be asked these questions.

A police lieutenant testified that a box of ballots was sitting in the police station. Someone called in that it had not been picked up. The police department claimed that they had tried to call the election commission on Friday but nobody answered because it was a holiday. As of now, the box is still sitting in the police evidence room, sealed with evidence tape. A minister testified that nobody ever came to pick up the box at his church (a polling place for his precinct) and *still has not done so!*

The president of Haitian Women of Miami testified that she was threatened with arrest for attempting to enter the polling booth to help first time Haitian voters who needed translation assistance. Even though she presented a copy of the statute that permits such assistance inside the booth, she was told that she would be arrested if she did not leave, and the police were actually called.

None of the Creole speakers who asked for Creole ballots (which were printed for the first time this election) were given them, and although there were Creole-speaking volunteers present to assist those voters, they were denied the right to do so. Handicapped people were able to get into some polling places, but the polling booths were not acceptable to them and requests for special ballots or other assistance was denied in African American precincts, according to the witnesses.

I could go on...but is it necessary? ☮

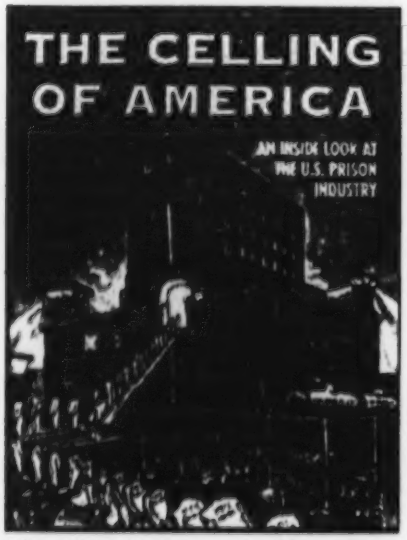
The Celling of America: An Inside Look at the US Prison Industry

edited by Daniel Burton-Rose; Common Courage Press, 1998, 263 pp., $19.59

Horace Seldon, who for many years directed and still inspires Community Change in Boston, teaches about anti-racism at Boston College.

This book is about me. It may be about you. It is about the failure to be OUTRAGED at what we are allowing to be done with prisoners in the United States.

It is about commodification of prisoners.
It is about privatization of prisons for profit.
It is about punishment during incarceration.
It is about prisons existing as closed societies with walls built to be impenetrable by prisoners from the inside and by the public from the outside.
It is about a media which enflames a public mind set on punishment rather than correction.
It is about ill-framed "three-strike" programs for uninformed political platforms.



It is about long months of isolation punishment.
It is about deprivation of basic human health services for prisoners.
It is about massive cut-backs of educational programs, no longer offering hope for self-development.
It is about TV's used as a kind of hypnotic opiate to pacify prisoners.
It is about prisoner families deprived of contact.
It is about reprisals, and pay-offs, and diabolic schemes to control thought and behavior.
It is about death rows, and holes, and guard goon-squads.
It is about lies and deception by prison administrators.
It is about a 13th amendment to our Constitution which leaves open the possibility of involuntary servitude for those serving sentences for conviction of crime.
It is about chain gangs.
It is about forced cheap prison labor.
It is about prisons built, prisons filled.
It is about prisoner rebellions and protest, and massive responses to control.

This book is about the nature of our society. It is about a people who have no right to call ourselves civilized if we allow our prisoners to be treated as they are.

It is mostly by inmates or former inmates from our prisons.
It is for advocates.
It is for ME, YOU, a generally unknowing public kept in the dark, closed out from places of privilege.

This book demands ACTION; don't ever put it on a shelf!

Author's note: Two other "companion books"—*White By Law: The Legal Construction of Race*, by Ian F. Haney Lopez, NYU Press, 1996 and *Race, Rights, and the Asian American Experience* by Angelo N. Anchecta, Rutgers Univ Press, 1998—are very helpful in understanding how historical legal actions and opinions have shaped concepts of citizenship to the convenience of white privilege, and have placed groups of people, mainly Latino and Asian, in a racial spectrum which classified them as "outsiders," limiting possibilities for citizenship, and still suspect even when citizens.

"I am an Indian man. My only desire is to live like one." © Jeffry Scott

Prison Writings: My Life is My Sun Dance

Leonard Peltier, edited by Harvey Arden, Introduction by Chief Arvol Looking Horse, Preface by Former Attorney General Ramsey Clark; St. Martin's Press, New York, 1999; 243 pp

Leonard Peltier invites us into his world inside Leavenworth Penitentiary, where he has been imprisoned for more than 20 years. Invoking the Sun Dance, in which pain provides access to a transcendent reality, Peltier explores his own suffering and the insights it has brought him. Still remarkably optimistic, he situates his own experience within the history of the American Indian peoples and their struggles to overcome the continued injustices of the US government. Peacework *doesn't generally read book jacket blurbs, but in this case they caught and held our attention.*

"Listen to this fresh, brave voice, then inform yourself about the shameful case of Leonard Peltier."

—**Peter Matthiessen**, author of *In the Spirit of Crazy Horse*

"This book takes the reader on an emotional and spiritual journey as Leonard Peltier's surprisingly hopeful reflections make the terrible injustice of his imprisonment for 24 years even more difficult to accept."

—**Wilma Mankiller**, former chief of the Cherokee nation and author of *Mankiller*

"Leonard Peltier's words reveal a wise man who has become freer than his captors, despite his false imprisonment for a crime he did not commit. His thoughts here remind us of our true mission as Indian people, as human beings here on this humble, beautiful planet. These thoughts cannot be captured or locked behind bars, or destroyed by gunfire. They fly free."

—**Joy Harjo**, Mvskoke poet and musician and author of *The Woman Who Fell from the Sky*